

The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

May, 2009

Statewide Jury Verdict Coverage - Published Monthly

9 A.J.V.R. 5

Unbiased and Independently Researched Jury Verdict Results

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Fraud - Drug companies that failed to pass on the true cost of drugs to Alabama's Medicaid system were liable for Medicaid's excess reimbursements

State of Alabama v. Novartis Pharmaceuticals Corp., et al., 05-219.52

Plaintiff: Jere L. Beasley, Clinton C. Carter, W. Daniel Miles, III, Deputy Attorneys General, *Beasley Allen Crow Methvin Portis & Miles, P.C.*, Montgomery, and Caine O'Rear, III, Deputy Attorney General, *Hand Arendall, LLC.*, Mobile

Defense: James Northcutt Walter, Jr., *Capell & Howard, P.C.*, Montgomery, Harlan I. Prater, IV, *Lightfoot Franklin & White, LLC.*, Birmingham, for Novartis; Donald R. Jones, Jr., *Donald R. Jones, Jr. - Attorney at Law, P.C.*, Montgomery, Chilton Varner, *King & Spalding*, Atlanta, GA, and Beth J. Hallyburton, corporate counsel, for GlaxoSmithKline

Verdict: \$114,247,233 for plaintiff (allocated \$33,257,694 against Novartis; \$80,989,539 against GlaxoSmithKline)

Circuit: **Montgomery**, 7-1-08
Judge: Charles Price

Alabama Medicaid was a long-standing program administered by the State of Alabama to provide medical care and prescription drug benefits for Alabama's low-income and disabled citizens. It received federal matching funds. By 2005, Alabama Medicaid covered about 900,000 individuals and used about 15% of its budget for prescription drug costs. In 2004, this amounted to approximately \$600,000,000.

After a number of other states and the federal government brought civil and criminal actions against a variety of prescription drug manufacturers for Medicaid drug pricing fraud schemes, the State of Alabama sued approximately 70 drug manufacturers